

**U.S. Department of  
Health & Human Services  
Office for Civil Rights**

**Help for Veterans  
through Civil Rights Laws**

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**The Road Home:  
The National Behavioral Health Conference on  
Returning Veterans and their Families**

# WHAT IS THE HHS Office for Civil Rights (OCR)?

- OCR enforces civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, and age, by recipients of Federal financial assistance from HHS
- OCR also enforces the Privacy Rule under “HIPAA” --- more on this later.

# HOW OCR PROTECTS CIVIL RIGHTS

- **Complaints:** persons who believe they have been discriminated against may file a complaint with OCR
- **Compliance reviews:** OCR may initiate a civil rights review of any agency or program that receives HHS funds
- **Technical assistance:** OCR provides resources, training, outreach materials and presentations
- **Pre-Grant Reviews:** OCR conducts civil rights reviews of health care providers who are applying to participate in the Medicare Part A program

# What if OCR finds recipient in civil rights noncompliance?

- Emphasis on **voluntary compliance** through corrective action, resolution agreements
- Enforcement options:
  - terminate HHS funding
  - refer to the Department of Justice for enforcement

# **SECTION 504 OF THE REHABILITATION ACT of 1973**

- Prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance

# AMERICANS WITH DISABILITIES ACT OF 1990

- Comprehensive law applying Section 504 protections and prohibitions to both the private and public sectors
  - Coverage does not depend on receipt of federal financial assistance
  - Enforced by a variety of federal agencies
- HHS-OCR enforces Title II, which prohibits disability-based discrimination by state/local government health & human services

# Section 504 and ADA- Key Definitions

## “Handicap” or “Disability”

- A physical or mental impairment that substantially limits one or more major life activities
- Major life activities include (but are not limited to) walking, talking, hearing, seeing, eating, speaking, working, caring for oneself

# Section 504/ADA Definitions (cont.)

Three ways that the definition could apply:

- The person **has** a substantially limiting impairment
- The person has a **history** of having a substantially limiting impairment
- The person is **viewed** by the recipient as having a substantially limiting impairment



# Equal and Effective Services

Recipients must give people with disabilities :

- the equal opportunity to participate in the services available
- the equal opportunity to benefit from the services available, and
- the full range of services provided to non-disabled persons

# **Accommodations or Program Modifications Where Reasonable**

- One Size Does Not Fit All
- Requires recipients to make reasonable program adjustments and provide alternatives based on an individual's needs to allow access to the program or activity
- Recipient not required to make modifications that would cause an undue burden or fundamentally alter program or activity

# ADA “Integration Regulation” and the *Olmstead* Decision

- ADA regulation requires state and local governments to “administer services, programs and activities **in the most integrated setting appropriate** to the needs of qualified individuals with disabilities.”
- The Supreme Court interpreted this regulation in Olmstead v. L.C. (1999)

# ***Olmstead Analysis***

- **ADA Title II requires services in the most integrated setting when –**
  - Treating professionals determine that these services are **appropriate**
  - The affected **individual does not oppose** services in the most integrated setting
  - Services in the most integrated setting can be “**reasonably accommodated**” given the needs of other individuals with disabilities

# OCR's *Olmstead* Implementation

- OCR investigates complaints alleging a violation of the integration regulation
- OCR assists parties in resolving such complaints (**voluntary compliance**)
- OCR disseminates information about successful complaint resolution
- OCR works with other HHS offices in implementing *Olmstead*
- OCR provides technical assistance and outreach

[www.hhs.gov/ocr/complianceactiv.html](http://www.hhs.gov/ocr/complianceactiv.html)

# TITLE VI OF 1964 CIVIL RIGHTS ACT

- Prohibits discrimination by federal fund recipients on the basis of race, color and national origin
- Conduct having a disproportionate effect on LEP persons may be national origin discrimination

Recipients must take reasonable steps to ensure meaningful access to their programs, activities, and services for LEP persons

**OCR Title VI websites:** [www.hhs.gov/ocr/lep/](http://www.hhs.gov/ocr/lep/),  
[www.hhs.gov/ocr/nationalorigin/](http://www.hhs.gov/ocr/nationalorigin/),  
[www.hhs.gov/ocr/healthdisparities.html](http://www.hhs.gov/ocr/healthdisparities.html)

# FOR MORE INFORMATION

Policy guidance, fact sheets,  
complaint forms, regional office  
contact information ...



Available on OCR's website:

[www.hhs.gov/ocr](http://www.hhs.gov/ocr)

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